

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

| | | |
|--|---|---------------------------------|
| In Re: |) | |
| |) | |
| WILLIAM LEE SHELLS, SR., |) | Bankruptcy No.: 12-15995 |
| |) | Chapter 7 |
| Debtor(s). |) | |
| _____ |) | |
| |) | |
| Oklahoma Employment Security Commission, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Adversary No.: _____ |
| vs. |) | |
| |) | |
| WILLIAM LEE SHELLS, SR., |) | |
| Defendant. |) | |

**COMPLAINT TO DETERMINE DEBT
TO BE NON-DISCHARGEABLE**

Plaintiff complains of Defendant and for cause of action alleges:

I.

This adversary proceeding is brought pursuant to 11 U.S.C. Sec. 523 (a)(2)(A) and U.S.C. Sec. 523(a)(7).

II.

This Court has jurisdiction under the provisions of Title 28 U.S.C. Sec. 1334(b) and it arises under Title 11 of the United States Code, and 11 U.S.C. Sec. 523.

III.

Venue is proper in this Court and Division pursuant to 28 U.S.C. §1409(a). This Court has authority to hear and determine this Adversary Proceeding and to grant the relief requested as a core proceeding pursuant to 28 U.S.C. Sec. 157(b)(2)(I).

IV.

On December 10, 2012, the Defendant, William Lee Shells, Sr., (hereinafter referred to as “Defendant”) file Defendant’s bankruptcy petition for relief under Chapter 7 of the United States Bankruptcy Code.

V.

The Plaintiff, Oklahoma Employment Security Commission, (hereinafter referred to as “Plaintiff”) is an agency of the State of Oklahoma pursuant to Oklahoma Employment Security Act of 1980, (hereinafter referred to as “Act”).

VI.

Defendant is an individual who filed one or more claims with the Plaintiff for unemployment insurance benefits payable to individuals who qualify for said benefits pursuant to the Act. Based on the claims filed, Defendant received benefits in the form of payment of money.

VII.

Defendant filed claims for benefits during the weeks ending on June 11, 2011, through November 19, 2011, and the weeks ending on January 14, 2012 through January 28, 2012 certifying for one or more such weeks Defendant was unemployed, available for work, and eligible to receive benefits.

VIII.

A subsequent report by the Plaintiff disclosed that Defendant failed to disclose material facts which would have made Defendant ineligible to receive the money paid to and accepted by Defendant.

IX.

Defendant was employed by and received wages from Compass Group, during the compensable weeks ending June 11, 2011, through November 19, 2011, and the weeks ending on January 14, 2012 through January 28, 2012.

X.

Plaintiff seeks to have this debt declared nondischargable as a debt for money to the extent obtained by 1) false pretense, false representation or actual fraud (U.S.C. Sec. 523(a)(2)(A)), and 2) a fine, penalty, or forfeiture payable to and for the benefit of a governmental unit (U.S.C. Sec. 523(a)(7)).

XI.

With allowance for adjustments, set-offs, and repayments, the principal balance of \$1,648.00, plus interest of \$65.92 through January 9, 2013, is outstanding, overdue, and payable. Additionally, Plaintiff requests that this Court award post-judgment interest at the rate of 1% per month as authorized under Oklahoma Law.

XII.

Plaintiff would further request an award of costs incurred in filing this action.

WHEREFORE, Plaintiff prays that the Court enters a judgment against Defendant, William L. Shells, Sr., in the principal amount of \$1,648.00, plus interest of \$65.92 through January 9, 2013, plus post-judgment interest in the amount of 1% per month as allowed by state law, and costs, and further that such indebtedness owed the Plaintiff as described in this Complaint, be declared non-dischargeable, and for any and all other just and proper relief.

Respectfully submitted,

**STATE OF OKLAHOMA ex rel OKLAHOMA
EMPLOYMENT SECURITY COMMISSION**

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